

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 376

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ROADS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO REVISE A CODE REFERENCE; AMENDING SECTION 41-4910, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTIONS OF TAX REVENUES FROM THE TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL; AMENDING SECTION 67-2914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO LAW ENFORCEMENT FUND; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The Legislature acknowledges that, beginning July 1, 2010, the revised distribution from the Highway Distribution Account and the revised distribution from gasoline tax revenues provided for in this act will reduce moneys annually provided to the Idaho State Police and the Idaho Department of Parks and Recreation. In light of such reductions, the Legislature will authorize, via concurrent resolution, a legislative task force, comprised of eight members of the Legislature, including both co-chairs of the Joint Finance-Appropriations Committee, to study potential sources of dedicated revenue to offset the reductions that will be sustained by the Idaho State Police and the Idaho Department of Parks and Recreation. The Legislature declares that every effort will be made to find appropriate alternative dedicated sources of moneys on an ongoing basis to offset the reduced distributions to the Idaho State Police and the Idaho Department of Parks and Recreation.

SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT – APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

- (a) Moneys as provided by sections 63-2412(1)(e) and 63-2418(3), Idaho Code;
- (b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and
- (c) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

- (a) Thirty-eight percent (38%) to local units of government as provided in section 40-709, Idaho Code;
- (b) ~~Fifty-seven~~ Sixty-two percent (~~57~~62%) to the state highway account established in section 40-702, Idaho Code; ~~and~~. The state controller shall cause the remittance of the

1 moneys apportioned to local units of government not later than January 25, April 25, July
 2 25 and October 25 of each year, and to the state highway account as the moneys become
 3 available to the highway distribution account.

4 ~~(e) Five percent (5%) to the law enforcement account, established in section 67-2914,~~
 5 ~~Idaho Code. The state controller shall cause the remittance of the moneys apportioned~~
 6 ~~to local units of government not later than January 25, April 25, July 25 and October 25~~
 7 ~~of each year, and to the state highway account and the law enforcement account as the~~
 8 ~~moneys become available to the highway distribution account.~~

9 (3) Interest earned on the investment of idle moneys in the highway distribution account
 10 shall be paid to the highway distribution account.

11 (4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts
 12 established from highway user revenues, reimbursements, fees or permits shall be invested by
 13 the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with
 14 respect to other surplus or idle moneys in the state treasury. Interest earned on the investments
 15 shall be returned to the various highway trust or asset accounts and subaccounts.

16 SECTION 3. That Section 41-4910, Idaho Code, be, and the same is hereby amended to
 17 read as follows:

18 41-4910. DISTRIBUTION OF APPLICATION FEES AND TRANSFER FEES. (1) The
 19 application fees and the transfer fees collected as provided in this chapter shall be promptly
 20 remitted to the state treasurer for deposit in the Idaho petroleum clean water trust fund. The
 21 transfer fees and accumulated interest which accrued to the fund prior to August 3, 1995, shall
 22 remain in the fund. The transfer fees and accumulated interest, which have been held in a
 23 separate suspense account since August 3, 1995, shall be distributed as provided in subsection
 24 (4) of this section. The transfer fees and accumulated interest which accrue to the Idaho
 25 petroleum clean water trust fund subsequent to April 1, 1997, shall be distributed monthly
 26 thereafter as provided in subsection (5) of this section.

27 (2) An amount of money equal to the actual cost of collecting, administering and
 28 enforcing the transfer fee by the commission, as determined by it, shall be retained by the
 29 commission. The amount retained by the commission shall not exceed the amount authorized
 30 to be expended by appropriation by the legislature. Any unencumbered balance in excess of
 31 the actual cost of collection, administering and enforcing the transfer fee requirements by the
 32 commission at the end of each fiscal year shall be remitted to the state treasurer for deposit into
 33 the Idaho petroleum clean water trust fund.

34 (3) From the receipts of the transfer fee, an amount of money shall be distributed to the
 35 state refund account established under section 63-3067, Idaho Code, sufficient to reimburse that
 36 account for all current refund claims under this chapter paid from that account. Any refunds
 37 due and owing from the commission under this chapter shall be paid from the state refund
 38 account and those moneys are hereby continuously appropriated for that purpose.

39 (4) For the distribution on April 1, 1997, the balance of the transfer fees and accumulated
 40 interest accruing to the separate suspense account established for such fees on August 3, 1995,
 41 which remain after distributing the amounts specified in subsections (2) and (3) of this section,
 42 shall be distributed as follows:

43 (a) Twenty percent (20%) to the Idaho petroleum clean water trust fund established in
 44 section 41-4905, Idaho Code;

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412, Idaho Code; and

(c) The remainder shall be distributed:

(i) Six million dollars (\$6,000,000) to the state highway account for administration by the Idaho transportation department as provided in section 41-4910A, Idaho Code; and

(ii) The balance remaining to the highway distribution account established in section 40-701, Idaho Code.

(5) For the distribution at the end of fiscal year 1997 and monthly thereafter, the balance of the transfer fees and accumulated interest accruing to the Idaho petroleum clean water trust fund which remain after distributing the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Seventy-seven percent (77%) to the highway distribution account established in section 40-701, Idaho Code; and

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412, Idaho Code, as that section existed on July 1, 2009.

SECTION 4. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

~~(e) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section:~~

~~1. One and twenty eight hundredths percent (1.28%) shall be distributed as follows: sixty six percent (66%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty three percent (33%) of the one and twenty eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;~~

~~2. One and twenty eight hundredths percent (1.28%) shall be distributed as follows: sixty six percent (66%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the off road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off road motor vehicle account. Thirty three percent (33%) of the one and twenty eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and~~

~~3. Forty four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.~~

~~4. The balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section shall be distributed to the highway distribution account created in section 40-701, Idaho Code.~~

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 5. That Section 67-2914, Idaho Code, be, and the same is hereby amended to read as follows:

1 67-2914. IDAHO LAW ENFORCEMENT FUND ESTABLISHED. (1) For the
2 purposes of the Idaho state police, there is established in the state treasury of the state of Idaho
3 the Idaho law enforcement fund, to which shall be deposited funds as provided by law.

4 (2) The Idaho state police provide a critical service to the citizens and motorists of
5 the state of Idaho by providing for the public's health, welfare and safety. In light of the
6 vital service the agency provides, the legislature acknowledges that providing an ongoing and
7 dedicated source of funds for the agency is necessary to safeguard the Idaho state police from
8 the impacts of future economic downturns.

9 SECTION 6. The provisions of this act are hereby declared to be severable and if any
10 provision of this act or the application of such provision to any person or circumstance is
11 declared invalid for any reason, such declaration shall not affect the validity of the remaining
12 portions of this act.

13 SECTION 7. An emergency existing therefor, which emergency is hereby declared to
14 exist, Sections 1, 5 and 6 of this act shall be in full force and effect on and after passage and
15 approval. Sections 2, 3 and 4 of this act shall be in full force and effect on and after July 1,
16 2010.